

IN THE CIRCUIT COURT OF TIPPAAH COUNTY, MISSISSIPPI
THIRD JUDICIAL DISTRICT

STATE OF MISSISSIPPI

VERSUS

James Allen Hughey

CAUSE NO. TK 2017-163

DEFENDANT

PETITION OF DEFENDANT FOR COURT TO ACCEPT PLEA

THE DEFENDANT HEREIN, being duly sworn, states in open Court under oath that:

1. My full name is James Allen Hughey

My age is 51. I completed 7 years in school and 0 years in college. I can read and write. I am mentally competent to make this petition, with the help of my conservator as shown. I understand should the plea of guilty herein tendered not be accepted and a trial follow, that admissions made herein or during any hearing on this petition would not be admissible against me at trial.

2. I am represented by Tim Waide, an attorney who was appointed or retained to represent me in this matter.

3. I plead guilty to the charge of burglary & larceny of a dwelling (Alford) as set forth in the indictment.

4. I have told my lawyer all of the facts and circumstances known to me about the charge asserted in the indictment. I believe that my lawyer is fully informed on all such matters. My lawyer has advised me of the nature of the charge and the possible defenses that I may have to the charge.

5. I understand that I may plead "not guilty" and may persist in that plea and that (a) the Constitution guarantees me the right to a speedy and public trial by jury, (b) the right to see, hear, and cross examine any witnesses called to testify, and the right to use the power and processes of the Court to compel the production of evidence including the attendance of any witnesses in my favor, (d) the right to have the presence and assistance of a lawyer at all stages of the trial and any appeal, (e) the right to testify in my own defense, (f) the right to a jury verdict of all twelve jurors before I could be found guilty; (g) I understand that if I plead not guilty and demand a jury trial, I would be by law presumed innocent of the charge at the outset of a jury trial and that presumption would remain with me until removed by competent and credible evidence, and I am proven guilty beyond a reasonable doubt and to the satisfaction of twelve jurors.

6. I do not have to testify against myself and I have the right against self-incrimination and the right to remain silent at all times; that if I should be convicted after a jury trial, I would have an absolute right to appeal to the Mississippi Supreme Court with assistance of counsel, and at no cost to me should I be determined to be

[Signature] Defendant's Signature

Karen Hughey (conservator)



indigent. I understand that by pleading guilty I am admitting that I did commit the crime charged in the indictment and that I am waiving all the rights set forth in this paragraph and in paragraph number five (5) of this petition.

7. At this time I am not under the influence of drugs or alcohol, nor suffering from any mental disease. *AM* *BECAUSE it is in my best interest to avoid a mandatory sentence if I am convicted*

8. I declare that no officer or agent of any branch of government, nor any other person, has made me any promises or inducements of any kind to me, within my knowledge to anyone else, that I will receive a lighter sentence, probation, early release or any other form of leniency if I plead "guilty." I have not been beaten, threatened, mentally or physically forced, intimidated or coerced in any manner to plead guilty to the crime charged against me. I offer my plea of "guilty" freely and voluntarily and of my own accord and with full understanding of all matters set forth in the indictment herein and in this petition, and this plea is with the advice and consent of my lawyer. *I AM ACTING ON ADVICE OF MY ATTORNEY AND MY CONSERVATOR*

9. My lawyer has informed me as to the maximum and minimum punishment which the law provides for the offense charged in the indictment. The maximum punishment which the Court may impose for this crime that I am pleading guilty to is 25 years and \$ 0 fine, and a minimum punishment of 3 years and \$ 0 fine.

10. As a result of plea bargaining, my attorney and I have reached an agreement with the District Attorney's office concerning my offer to plead guilty to the charge listed in paragraph three. It is my understanding that the District Attorney will recommend to the Court that I receive a sentence as follows:

*10 yrs MOOC, 7 yrs suspended, 3 yrs ISP, 5 yrs PHS
cont & costs, no fine, 150.00 DA assessment
the total is estimated to be \$ 700.00*

I understand that there are no side agreements or other promises. I understand that this agreement is not binding on the Court and that, if my guilty plea is accepted by the Court, the Court may impose the same sentence as if I had pleaded "not guilty" and had been found guilty by a jury.

11. I understand that if I am not eligible for parole, I will not receive "good time credits." I also understand that this Court has no control over the giving of earned time or good time. I understand that this process is governed by the Mississippi Department of Corrections.

12. I believe that my lawyer is competent and has done all that anyone could do to counsel and assist me, and I am fully satisfied with the advice and help he has given me. *I Agree*

13. My lawyer has advised me of the elements of the charge to which I am pleading. I submit that all the elements are proven by the true facts. Therefore, I am guilty and ask the Court to accept my plea of guilty.

because guilty is in my best interest

James Hylth Defendant's Signature

Karen Hughey (conservator)

14. I understand that I am presenting this petition under oath and under penalty of perjury for any false statements contained herein. I have not been encouraged by any person to answer falsely any question in this petition in order to have this plea accepted.

15. I understand that my plea of guilty may be withdrawn at any time during a hearing on this petition prior to the acceptance of the plea by the Court.

16. I have not previously been convicted of any felony, except: None

17. I agree to provide my personal information as follows:

ALL BLANKS MUST BE COMPLETED FOR ELECTRONIC FILING.

662-471-0147 (mom)
587-55-1381 10-1-1971 Tippah
 *SOCIAL SECURITY NUMBER *DATE OF BIRTH *PLACE OF BIRTH
662-224-3119 (Home) M W Karen Hughey Sister 662-471-3690
662-471-1169 (cell) *SEX *RACE *NEXT OF KIN, RELATIONSHIP, PHONE
662-471-3690 (sister) *PHONE (HOME, WORK & CELL)
329 Old Highway 4 Ashland, MS 38603 329 Old Hwy 4 Ashland, MS 38603
 *PHYSICAL ADDRESS (CAN NOT BE JAIL) *MAILING ADDRESS

Signed by me in the presence of my lawyer, this the ____ day of ____, 20__.

Karen Hughey (conservator)

James Hughey
 DEFENDANT

As attorney for this Defendant, I certify that I have on the above date discussed all the contents of the foregoing petition with said Defendant and I am satisfied that the Defendant fully understands same and that the Defendant executes said petition knowingly and voluntarily.

Jim Wood
 Attorney for Defendant, MS BAR # _____

STATE OF MISSISSIPPI
 COUNTY OF TIPPAAH

SWORN TO AND SUBSCRIBED before me, this the 26th day of Sept, 2023

My Commission Expires: _____

Dianne Graves
 NOTARY PUBLIC

Filed this, the ____ day of ____, 20__.

Dianne GRAVES, CIRCUIT CLERK
 BY: _____, DC

Karen Hughey
 Defendant's Signature
Karen Hughey (conservator)